

REMARKS

In the Office Action, the Examiner indicated that claims 1 through 47 are pending in the application and the Examiner rejected all claims.

Claim Rejections, 35 U.S.C. §102

In item 2 on pages 2-6 of the Office Action, the Examiner rejected claims 1-5, 9-12, 15-17, 21-24, 29-31, 35-37, 39, 40, 43 and 45 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,556,826 to Johnson et al. ("Johnson").

Rejection of Claims 6, 7, 13, 14, 18-20, 25-28, 31-34, 38, 41, 42, 44, 46 and 47 under 35 U.S.C. §103(a)

On pages 6 and 7 of the Office Action, the Examiner rejected claims 6, 7, 13, 14, 18-20, 25-28, 31-34, 38, 41, 42, 44, 46 and 47 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,556,826 to Johnson et al.

The Present Invention

The present invention is a method for wireless communication between a personal digital assistant (PDA) and a host computer. A docking cradle is configured to facilitate the transmission/receipt of chat and email communications between the PDA and the host computer, using cordless spread spectrum radio technology. Cordless spread spectrum radio technology requires no access to traditional wireless carriers such as cellular telephone service. Using the present invention, one or more PDAs can carry on email communications and/or

chat communications with an email or chat program on the host computer, using the cordless spread spectrum radio technology provided by the specialized docking cradle.

U.S. Patent No. 6,556,826 to Johnson et al.

U.S. Patent No. 6,556,826 to Johnson et al. ("Johnson") teaches a communication interface system whereby a communication device includes interface capability for multiple devices. The communication interface of Johnson includes a docking interface, a wireless interface, a telephone interface, and a computer interface and devices such as a PDA, a telephone, and a computer system all are able to communicate with a network via the communication interface.

The Cited Prior Art Does Not Anticipate the Claimed Invention

The MPEP and case law provide the following definition of anticipation for the purposes of 35 U.S.C. §102:

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." MPEP §2131 citing *Verdegaal Bros. v. Union Oil Company of California*, 814 F.2d 628, 631, 2 U.S.P.Q. 2d 1051, 1053 (Fed. Cir. 1987)

The Examiner Has Not Established a *prima facie* Case of Anticipation

Applicant has chosen at this time to focus the prosecution of this application on a method of the present invention, and has thus canceled claims 1-35 and added claims 48 and 49. More particularly, the present claimed invention is focused on the method whereby communications between a PDA and a host computer are facilitated using a specialized cradle,

connectable to the host computer. The specialized cradle facilitates this communication using cordless spread spectrum radio technology, which is the cordless technology typically used between a cordless telephone and its base station. In this manner, communication between the PDA and host computer occur wirelessly, when the PDA is not in the cradle, without the need for a wireless carrier such as that provided in cellular technology. Independent claims have also been added which focus not only on this method of communication, but the use of this communication to perform chat communications and email communications.

Johnson et al. does not each or suggest these specific elements. Johnson et al. is directed to an interface box that is configured to exchange information with a communication network at user-controllable time intervals, provide retrieved information to at least one of a wireless communication device in a wire line communication device based on a user profile, and dynamically adjust the information exchanged based on a network capacity. In other words, Johnson et al. is directed more towards coordinating communications between multiple devices. While applicant admits that Johnson mentions in its description of the prior art the use of spread spectrum links as one example of a wireless communication path, applicant does not claim to have invented such technology, but merely uses it with a PDA cradle to communicate between the PDA and the host device. Nothing in Johnson suggests, let alone teaches such functionality. Further, nothing in Johnson et al. suggests, let alone teaches, using such functionality to conduct email and/or chat communications between one or more PDAs and a host computer. Without such teaching or suggestion, Johnson cannot anticipate, nor render obvious, the claimed invention.

The Cited Prior Art Does Not Render the Claims of the Present Invention Obvious

To support a rejection under 35 U.S.C. §103, a reason, suggestion, or motivation to lead an inventor to combine two or more references must be found. *Pro-Mold and Tool Co. v. Great Lakes Plastics Inc.*, 37 U.S.P.Q.2d 1627, 1629 (Fed.Cir. 1996). The Examiner has not met this burden in establishing a reason, suggestion, or motivation for combining the cited references.

The Examiner has not Established a *prima facie* Case of Obviousness

As set forth in the MPEP:

To establish a *prima facie* case of obviousness, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skilled in the art, to modify the reference or to combine reference teachings.

MPEP 2143

Each of the claims rejected under 35 U.S.C. §103 depend from one of the independent claims discussed above. Thus, for the reasons set forth above, the dependent claims rejected under 35 U.S.C. §103 are patentable and in condition for allowance. Accordingly, applicant does not address the comments made by the Examiner with respect to the obviousness rejections. Applicant, by not addressing these arguments, is not admitting the accuracy or validity of the Examiner's arguments with respect to the § 103 rejections.

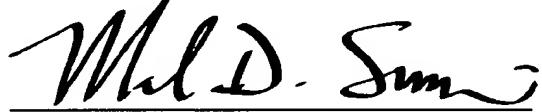
Conclusion

The present invention is not taught or suggested by the prior art. Accordingly, the Examiner is respectfully requested to reconsider and withdraw the rejection of the claims. An early Notice of Allowance is earnestly solicited.

The Commissioner is hereby authorized to charge any additional fees associated with this communication to Deposit Account No. 09-0461.

Respectfully submitted

2/6/04
Date


Mark D. Simpson, Esquire
Registration No. 32,942

SYNNESTVEDT & LECHNER LLP
2600 ARAMARK Tower
1101 Market Street
Philadelphia, PA 19107

Telephone: (215) 923-4466
Facsimile: (215) 923-2189